

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

CURTIS JAMES JOHNSON,

Defendant-Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF IOWA
Honorable C.J. Williams, Judge
(District Court No. 21-CR-0028)

**MOTION FOR LEAVE TO WITHDRAW AND
REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR
REHEARING *EN BANC***

Counsel for Defendant-Appellant Curtis James Johnson, pursuant to Part V of the Plan to Implement the Criminal Justice Act of 1964, as revised August 1, 2015, moves for leave to withdraw from representation in this matter. Counsel states:

1. A Notice of Appeal was filed in this matter at Mr. Johnson's request.

2. On May 15, 2023, this Court issued its Opinion affirming Mr. Johnson's conviction and sentence.

3. Counsel has concluded that the requirements for filing a Petition for Rehearing/Rehearing *En Banc* with this Court or a Petition for Writ of Certiorari with the Supreme Court of the United States are not met in this case.

4. A copy of this Motion is being mailed to Appellant Curtis James Johnson at his last known address. Also, mailed to Mr. Johnson is a letter explaining to Mr. Johnson his rights with regard to filing a Petition for Rehearing *En Banc* with this Court, his rights with regard to filing a Petition for Writ of Certiorari with the Supreme Court of the United States, the procedures for doing so, and the time limits for doing so. A copy of the letter is attached as Exhibit "1."

5. Pursuant to Part V of the Plan, counsel requests the Court to grant a 28 day extension of time for Mr. Johnson to file any *pro se* Petition for Rehearing/Rehearing *En Banc*.

For the above stated reasons, counsel for Defendant-Appellant Curtis James Johnson respectfully requests the Court to grant leave to withdraw from further representation in this matter and to grant an 28 day extension for the filing of any Petition for Rehearing/Rehearing *En Banc*.

Respectfully submitted,

_____/s/ Michael K. Lahammer_____
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ATTORNEY FOR APPELLANT
CURTIS JAMES JOHNSON

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on the 15th day of May, 2023, I did electronically file Counsel for Appellant's Motion for Leave to Withdraw with the Clerk of Court using the ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that on the 15th day of May, 2023, a copy of Counsel for Appellant's Motion for Leave to Withdraw was mailed, via the United States Postal Service, first-class mail, postage prepaid, to Appellant Curtis James Johnson, Reg. No. 46816-509 FCI Pekin, P.O. Box 5000, Pekin, IL 61555-5000.

_____/s/ Michael K. Lahammer_____
Michael K. Lahammer

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE
REQUIREMENTS**

- A. This motion complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this motion contains 312 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(a)(7)(B)(iii).
- B. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Times New Roman in 14 point font.
- C. This motion complies with Rule 28A(h)(2) because it has been scanned for viruses and the motion is virus-free.

____/s/ Michael K. Lahammer____
MICHAEL K. LAHAMMER